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C O N F I D E N T I A L SECTION 01 OF 03 GUATEMALA 000170

SIPDIS

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TAGS: [SNAR](#) [PGOV](#) [ASEC](#) [PINR](#) [CO](#) [GT](#)

SUBJECT: GOG LEADERS DISCUSS APPLICABILITY OF COLOMBIAN
SECURITY MODEL; CONGRESS WORKING ON SECURITY LEGISLATION

REF: A. GUATEMALA 157

[B](#). GUATEMALA 164

[C](#). 2008 GUATEMALA 387

Classified By: Pol/Econ Counselor Drew Blakeney for reasons 1.4 (b,d).

Summary

[1](#). (C) The Ambassador hosted a meeting February 18 for senior Guatemalan leaders, including Acting President Espada, with Embassy Bogota's NAS Director to discuss the applicability of Colombian lessons to Guatemala's deteriorating security environment. Bogota NAS Director identified political will as the key factor in improving security, and also discussed the role of vetted units and the development of judicial structures capable of confronting narcotraffickers. Guatemala's aggressive new Minister of Government and capable Attorney General made clear that they are coordinating their efforts, and the Minister of Defense made helpful offers of assistance. Acting Supreme Court President Eliu Higueros defended the status quo; he and the current Supreme Court will continue to be an obstacle to improving security. During a separate meeting with the Ambassador, President of Congress Alejos laid out his ambitious plan to quickly pass a number of security-related laws recommended by the Embassy and by CICIG. End Summary.

NAS Bogota Director: Political Will Indispensable

[2](#). (C) At the Ambassador's invitation, Embassy Bogota's NAS Director Perry Holloway (and former NAS Guatemala Director) visited Guatemala and spoke with senior government leaders about lessons learned from successful efforts to improve Colombia's security environment, and how those lessons might be applied. In attendance were Vice President (and Acting President) Rafael Espada, Minister of Government Salvador Gandara, Minister of Defense Abraham Valenzuela, Attorney General Amilcar Velasquez, Acting Supreme Court President Eliu Higueros, USAID Country Director, DEA Agent in Charge, Director NAS Central America, and Pol/Econ Counselor. Following Vice President Espada's explanation that the GOG's social welfare programs help to address the conditions that give rise to gangs, narcotrafficking, and violence, Bogota NAS Director identified political will as paramount in improving security conditions, and discussed President Uribe's effective leadership. Improved security would have a positive multiplier effect on all fronts, from the business climate to poor citizens' social welfare. Bogota NAS Director discussed vetted units and other "islands of excellence" as being catalysts for broader improvement of state security institutions. He suggested that Carbineri or some other form of quasi-military police could be appropriate

to the Guatemalan environment, and suggested that specialized police should work closely with dedicated, specially trained prosecutors. Gandara and Velasquez indicated strong interest in his suggestions. Minister of Defense Valenzuela was also supportive, and said that in the meantime, the army would continue to support the National Civilian Police in operations against narcotraffickers.

Start Small

13. (C) Bogota NAS Director suggested that seaports would be a good place to begin serious reform efforts. Authorities currently seize almost none of the large amount of cocaine currently seize almost none of the large amount of cocaine transiting Guatemala's ports. Reform need be neither expensive nor perfect -- to deter traffickers, Guatemala's ports would only need to be more secure than those of neighboring countries. Vice President Espada said he is leading GOG ports reform efforts (ref a), and that the government is confident that it can make progress with the Embassy's assistance.

Using the Available Tools

14. (C) The Ambassador highlighted the urgent need to fully implement the Organized Crime Law, with its wiretapping, controlled deliveries, and undercover operations provisions. NAS Bogota Director concurred with the Ambassador that Congress should overhaul the restrictive Extradition Law to facilitate extraditions to the U.S., of which narcotraffickers are afraid. He said extradited traffickers continue to share information and therefore contribute to

GUATEMALA 00000170 002 OF 003

improving the security environment long after they have been extradited. The Guatemalan interlocutors agreed. MinGov Gandara described recent progress toward implementing wiretapping. He and Attorney General Velasquez were confident that, once the Organized Crime Law is implemented, their joint efforts to combat narcotrafficking would yield dramatically improved results. Velasquez praised the work of his narco-crimes prosecutors, saying they are hard to replace when they leave. Only a handful of people are brave and committed enough to take on such life-threatening work.

Narcotrafficking Breeds Other Crime

15. (C) MinGov Gandara disputed the prevalent view that the transshipment of cocaine through Central American countries is innocuous, at least locally. For example, he said, six traffickers wrongly identified as Mexican Zetas who were captured Feb. 15 in Izabal Department were guilty not only of narcotrafficking. One had murdered three prostitutes and a hardware store owner, and some of the others had also committed crimes unrelated to narcotrafficking. One of the six had been a police investigator. Traffickers' presence in Guatemala has corrupted state institutions, and led to an increase in unrelated crimes as well as domestic cocaine consumption, Gandara said. MinDef Valenzuela said the \$20 million budget supplemental the army recently received would go toward standing up two new infantry brigades which would be deployed to areas under immediate threat from narcotraffickers, including Puerto Barrios (Izabal Department), Coban (Alta Verapaz), Playa Grande (Quiche Department), and parts of Huehuetenango and San Marcos Departments.

Supreme Court: Status Quo is Fine

16. (C) In stark contrast to other leaders' encouraging interventions, Acting Supreme Court President Eliu Higueros was quick to defend the status quo and torpedo proposed solutions. Asked about the possibility of using specialized, protected courts to try narcotrafficking and other crimes that pose a clear threat to judicial workers and their families, Higueros first responded that Guatemalan law would

not permit such an arrangement. Crimes would continue to be tried where they were committed, he said, and the Ministry of Government would have to protect vulnerable judges and prosecutors in the countryside. In one extreme case, that of the March 2008 narco-massacre in Zacapa (ref c), Higueros said the Supreme Court had agreed to let judges and prosecutors try the case in Guatemala City. Asked whether the judge's and prosecutors' families would continue to live in Zacapa, Higueros acknowledged they would. MinGov Gandara responded that it made sense to establish perhaps six specialized courts, and that "it would be a lot easier to protect six judges and their families than 330." Higueros refuted Gandara's suggestion by saying that "the chain is too long ... you would have to protect not only the six judges, but also three appellate judges and the three Supreme Court Penal Chamber magistrates," although he allowed that these last three already enjoyed state protection. Higueros said the court system would not use funds seized from the court system would not use funds seized from narcotraffickers (which per the law remain at its disposition) to pay for protection for its own judges. Instead, it was saving those funds to pay for new court buildings. MinDef Valenzuela helpfully offered that judges and prosecutors under threat, as well as their families, would be welcome to move onto the grounds of neighboring military bases and live in refurbished officers' quarters.

17. (C) Higueros said that, in respect for "judicial independence," it would not be possible to vet already-serving judges, although it might be possible to vet prospective judges. Asked by the Ambassador whether the Supreme Court could share a percentage of its seized assets with the civilian security forces, Higueros responded that "once you have something, it's not so easy to give it up." During a separate meeting with Pol/Econ Counselor, Secretary General of the Attorney General's Office Gloria Porras (protect) said that "at least half the Supreme Court is corrupt," and that "at least two Supreme Court magistrates are on narcotraffickers' regular payrolls."

Congress Working on Security Legislation

GUATEMALA 00000170 003 OF 003

18. (C) The participants agreed that much of Guatemala's legislation dealing with security issues needed to be overhauled. During a separate meeting February 13, President of Congress Roberto Alejos told the Ambassador that there was so much security legislation that needed to be passed that he was considering fusing the most urgent elements of a number of bills into a single, omnibus package to facilitate timely passage. He said he had discussed the possibility of doing so with President Colom and CICIG (the UN-led International Commission Against Impunity in Guatemala) Commissioner Castresana, that both had been supportive, and that a first draft of the omnibus bill was already done. Alejos' list of pending security legislation included the Arms and Ammunition Bill, Bill on Reducing Sentences for Collaborating Witnesses, and the Bill Against Sexual Violence, as well as reform of the Penal Code, the Injunctions Law, the judiciary, and the Attorney General's Office. Alejos said he was waiting for the Supreme Court to provide inputs on what sort of judicial reform is needed. The Ambassador conveyed to Alejos the USG's strong support for CICIG, and urged immediate passage of the Bill Against Sexual Violence and the Arms and Ammunition Bill.

19. (SBU) (Note: On February 18 Congress passed the Law Against Sexual Violence, which codifies and strengthens penalties for crimes such as rape, child pornography, trafficking in persons, and irregular adoptions (ref b), and also ratified the Central American Convention for the Protection of Witnesses, Victims, and Investigators in narcotrafficking and organized crime cases. During a separate meeting with Pol/Econ Counselor, "Guatemala Bench" Deputy Rosa Maria de Fradesaid that with the passage of

these laws Congress was starting to make progress on security-related legislation. However, she had not yet seen an omnibus security bill of the sort Alejos described to the Ambassador. End Note.)

Comment

¶10. (C) Embassy Guatemala is grateful for the very productive visit of Bogota NAS Director Holloway, which led senior Guatemalan leaders to consider applying successful Colombian models here. We agree that national political will is paramount, and are encouraged by MinGov Gandara and AG Velasquez's energy and cooperation despite the tremendous institutional challenges that each faces. New Minister of Defense Valenzuela is also so far saying all the right things. Acting Supreme Court President Higueros' performance at this meeting was disappointing. The Embassy is already working with other donor countries to minimize the number of corrupt judges on the next Supreme Court (to be elected not later than September 12), although this looks to be an uphill climb. New President of Congress Alejos is trying to ensure that Congress does its part to improve security, and is off to a good start at the helm of a notoriously fractious and ineffective institution.
McFarland